

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

STICHTING PENSIOENFONDS ABP,

Plaintiff,

v.

ALLY FINANCIAL INC. f/k/a GMAC, LLC;
GMAC MORTGAGE CORPORATION a/k/a
GMAC MORTGAGE LLC;
HOMECOMINGS FINANCIAL, LLC F/K/A
HOMECOMINGS FINANCIAL NETWORK,
INC.; RESIDENTIAL ACCREDIT LOANS,
INC.; RESIDENTIAL CAPITAL LLC f/k/a
RESIDENTIAL CAPITAL CORPORATION;
GMAC-RFC HOLDING COMPANY, LLC
d/b/a GMAC RESIDENTIAL FUNDING
CORPORATION; RESIDENTIAL
FUNDING COMPANY, LLC f/k/a
RESIDENTIAL FUNDING
CORPORATION; ALLY SECURITIES, LLC
d/b/a GMAC RFC SECURITIES and f/k/a
RESIDENTIAL FUNDING SECURITIES
CORPORATION; RESIDENTIAL ASSET
MORTGAGE PRODUCTS, INC.;
RESIDENTIAL ASSET SECURITIES
CORPORATION; DEUTSCHE BANK
SECURITIES, INC.; J.P. MORGAN
SECURITIES LLC f/k/a J.P. MORGAN
SECURITIES, INC; BANC OF AMERICA
SECURITIES LLC; BARCLAYS CAPITAL
INC.; MERRILL LYNCH, PIERCE,
FENNER & SMITH INC.; BRUCE J.
PARADIS; KENNETH M. DUNCAN;
DAVEE L. OLSON; RALPH T. FLEES;
LISA R. LUNDSTEN; DAVID C. WALKER;
JAMES G. JONES; DAVID M. BRICKER;
JAMES N. YOUNG, and DIANE WOLD,

Defendants.

12-cv-1381 (ADM/TNL)

**STIPULATION TO MODIFY
BRIEFING SCHEDULE**

WHEREAS, on May 14, 2012, defendants Residential Capital LLC, GMAC Mortgage, LLC, GMAC Residential Funding Corporation, Homecomings Financial, LLC, Residential Accredit Loans, Inc., Residential Asset Securities Corporation, Residential Asset Mortgage Products, Inc., Residential Funding Company, LLC (collectively, the “Debtor-Defendants”) commenced cases under Chapter 11 of the Bankruptcy Code, 11 U.S.C. § 1101 *et seq.*, in the United States Bankruptcy Court for the Southern District of New York, with these cases and those of certain affiliates of Debtor-Defendants being jointly administered under the caption *In re Residential Capital, LLC, et al.*, No. 12-12020;

WHEREAS, on June 8, 2012, this action was removed to the United States District Court for the District of Minnesota;

WHEREAS, by order dated June 14, 2012 (Doc. 17), the Court extended the time for the non-Debtor Defendants to answer or otherwise respond to the Complaint to July 15, 2012;

WHEREAS, on July 10, 2012, the Bankruptcy Court is scheduled to hear a motion by Debtor Defendants to extend the automatic stay in 11 U.S.C. § 362 to certain of their affiliates, officers, and employees, including certain of the non-Debtor Defendants herein;

WHEREAS, all of the non-Debtor Defendants intend to move to dismiss the Complaint;

WHEREAS, counsel for plaintiff and all non-Debtor Defendants have negotiated a briefing schedule for the non-Debtor Defendants’ motions to dismiss to accommodate

certain existing professional and personal commitments of counsel and to allow the Bankruptcy Court time to rule on the motion to extend the automatic stay.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the parties hereto, through their respective counsel, subject to approval by this Court, that:

1. The non-Debtor Defendants shall respond to the Complaint on or before July 30, 2012;
2. Motions to dismiss the Complaint and supporting papers shall be filed and served on or before July 30, 2012;
2. Plaintiff shall file and serve its opposition papers on or before September 14, 2012; and
3. The non-Debtor Defendants shall file and serve their reply papers on or before October 12, 2012.

Dated: June 28, 2012

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Dated: June 28, 2012

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Dated: June 28, 2012

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